

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
May 22, 1984

COUNTY OFFICE BLDG.
1112.34' S/E from c/l German Hill Rd.
Towson, Maryland 21204

000
Nicholas S. Commodari
Chairman

MEMBERS
Bureau of Engineering

Department of Public Works

State Police Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

Pizza Hut of Maryland, Inc.
9170 Md. Route 108
Columbia, Maryland 21045

RE: Item No. 263 - Case No. 84-327-A
Petitioner - Pizza Hut of Md., Inc.
Variance Petition

Dear Sir:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas S. Commodari
NICHOLAS S. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Hudkins Associates, Inc.
200 East Joppa Road
Towson, Md. 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

May 4, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #263 (1983-1984)
Property Owner: Pizza Hut of Maryland, Inc.
1112.34' S/E from centerline German Hill Rd.
S/MS Merritt Blvd.
Acres: 41,382 sq. ft. District: 12th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements exist and are not directly involved.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #263 (1983-1984).

Very truly yours,

Robert A. Norton, P.E.
ROBERT A. NORTON, P.E., Chief
Bureau of Public Services

RAM:EW:FW:BS

E-W Key Sheet
7 & 8 SE 21 & 22 Pos. Sheets
SE 2 F Topo
102 Tax Map



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3010

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

4-30-84

Re: Zoning Advisory Meeting of 4-17-84
Item # 263
Property Owner: Pizza Hut of Maryland, Inc.
Location: S/E of German Hill Rd., SWS Merritt Blvd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☐ There are no site planning factors requiring comment.
- ☐ A County Review Group Meeting is required.
- ☐ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☐ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☐ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☐ The access is not satisfactory.
- ☐ The circulation on this site is not satisfactory.
- ☐ The parking arrangement is not satisfactory.
- ☐ Parking calculations must be shown on the plan.
- ☐ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☐ Construction in or alteration of the Floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☐ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☐ The amended Development Plan was approved by the Planning Board.
- ☒ Landscaping should be provided on this site and shown on the plan.
- ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- ☒ The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☒ Additional comments:

The site plan must be revised to reflect existing conditions. A site plan must be submitted. The site plan must show the entire tract. The site plan must show the entire tract. The site plan must show the entire tract.

James G. Bolter
James G. Bolter
Chief, Current Planning and Development

cc: James Howell

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 263, Zoning Advisory Committee Meeting of April 17, 1984

Property Owner: Pizza Hut of Maryland, Inc.

Location: 1112.34' S/E from c/l German Hill Rd. District 12

Water Supply public Sewage Disposal public

COMMENTS ARE AS FOLLOWS:

- ☒ Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- ☒ Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 194-3775, to obtain requirements for such installation/s before work begins.
- ☐ A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ☒ A permit to construct from the Division of Air Pollution Control is required for any charcoal operation which has a total cooking surface area of five (5) square feet or more.
- ☐ Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ☐ Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appliances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- ☐ Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ☐ If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 263 Zoning Advisory Committee Meeting of April 17, 1984
Page 2

☒ Prior to raising of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 194-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.

☐ Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 194-3768.

☐ Soil percolation tests (have been/must be) conducted.
☐ The results are valid until _____.
☐ Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.

☐ Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

☐ In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until _____. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

☐ Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

☒ If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

☐ Others _____

James J. Forrest
JAMES J. FORREST, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1283 (2) R



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

May 3, 1984

Mr. William H. Henshaw
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Pizza Hut of Maryland, Inc.

Location: 1112.34' S/E from c/l German Hill Rd SW/S Merritt Blvd.

Item No.: 263 Zoning Agenda: Meeting of 4/17/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

☐ 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

☐ 2. A second means of vehicle access is required for the site.

☐ 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

☐ 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

☐ 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

☐ 6. Site plans are approved, as drawn.

☒ 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: *Paul H. Reincke* May 3, 1984
Paul H. Reincke, Chief
Fire Prevention Bureau

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

April 23, 1984

TED ZALESKI JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 263 Zoning Advisory Committee Meeting are as follows:

Property Owner: Pizza Hut of Maryland, Inc.
Location: 1112.34' S/E from c/l German Hill Rd SW/S Merritt Blvd.
Existing Zoning: E-M-100
Proposed Zoning: Variance to allow business signs with a total square footage of 151 sq. ft. in lieu of the required 100 sq. ft.

Acres: 41.382 sq. ft.

District: 12th.

The items checked below are applicable:

- ☒ All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Building Code and other applicable codes.
- ☒ A building/other permit shall be required before beginning construction.
- ☒ Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/are not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- ☒ Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- ☒ An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group on an adjacent lot line shall be of one hour fire resistance construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 101, line 2, Section 1007 and Table 1002, also Section 503.2.
- ☒ Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.
- ☒ A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- ☒ Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.
- ☒ Comments - Comply with Section 1901.0 of the Building Code.

NOTE: These comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles E. Burman
Charles E. Burman, Chief
Plans Review

CEB:es

IN RE: PETITION ZONING VARIANCE * BEFORE THE
W/S of Merritt Boulevard, * ZONING COMMISSIONER
1,112.34' SE of German Hill *
Road - 12th Election District * OF BALTIMORE COUNTY
Pizza Hut of Maryland, Inc., * Case No. 84-327-A
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit three other business signs totaling 179 square feet instead of the permitted 100 square feet, as shown on Petitioner's Exhibit 1.

The Petitioner, by John Schulte, a Vice President for Pizza Hut of Maryland, Inc., appeared and testified. Also appearing on behalf of the Petitioner was David Billingslea, an engineer. There were no Protestants.

Mr. Schulte testified that Pizza Hut proposes to erect a 12'2" x 7'6" free-standing sign, 24'2" in height. The sign will be located at the right corner of the property as it fronts on Merritt Boulevard. Its purpose would be to provide a benchmark to the traffic on Merritt Boulevard to enable quick identification of the entrance to the Pizza Hut. There are four entrances into the shopping center and patrons often pass the entrance to the Pizza Hut before they realize they have done so. As a result, Mr. Schulte maintains there is a loss of business because those potential customers do not turn around but make use of other restaurants.

The property is zoned B.M.-C.C.C. and two other business signs, one for Brad's and the other for a medical center, totaling approximately 88 square feet already exist on the shopping center parcel. Pizza Hut has a roof sign attached to the building, but this sign is not included in the calculations since it is permitted under Section 413.2.b of the Baltimore County Zoning Regulations (BCZR).

The Petitioner seeks relief from Section 413.2.f, pursuant to Section 307, BCZR.

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conforming unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 29th day of May, 1984, that the Petition for Variance to permit three other business signs totaling 179 square feet instead of the allowed 100 square feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

R. Jablon
Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: May 10, 1984
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Pizza Hut of Maryland, Inc.
SUBJECT: 84-327-A

Assuming the comments of the Division of Current Planning and Development are satisfied, this office offers no comment.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

ORDER RECEIVED FOR FILING

DATE May 29, 1984

BY *John Schulte*

ORDER RECEIVED FOR FILING

DATE May 29, 1984

BY *John Schulte*

ORDER RECEIVED FOR FILING

DATE May 29, 1984

BY *John Schulte*

- 2 -

- 3 -

COLUMBIA OFFICE
WALTER PARK
Registered Surveyor
PHONE 730-0800

TOWSON OFFICE
HUDKINS ASSOCIATES, INC.
Engineers, Surveyors and
Landscape Architects
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204
PHONE: 828-0000

April 3, 1984

DEL AIR OFFICE
L. GERALD WOLFF
Landscape Architect
PHONE 838-0888

PETITION FOR VARIANCE
12th Election District

ZONING: Petition for Variance
LOCATION: West side Merritt Boulevard, 1,112.34 ft. Southeast of German Hill Road
DATE & TIME: Monday, May 28, 1984 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to allow 3 business signs with a total square footage of 179 sq. ft. in lieu of the permitted 100 sq. ft.

Being the property of Pizza Hut of Maryland, Inc., as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

ARNOLD JABLON
ZONING COMMISSIONER

May 22, 1984

Pizza Hut of Maryland, Inc.
9170 Md. Route 108
Columbia, Maryland 21045

Re: Petition for Variance
W/S Merritt Blvd., 1,112.34' SE of
German Hill Road
Pizza Hut of Maryland, Inc. - Petitioner
Case No. 84-327-A

Dear Sir:

This is to advise you that \$22.60 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
SCHELLANOUS CASH RECEIPT

No. 130507

DATE 5/28/84 ACCOUNT R-01-615-000

AMOUNT \$22.60

RECEIVED FROM Pizza Hut of Maryland, Inc.
FOR advertising and posting Case No. 84-327-A

C 012*****526010 52844

VALIDATION OR SIGNATURE OF CASHIER

Pizza Hut of Maryland, Inc.
9170 Md. Route 108
Columbia, Maryland 21045

NOTICE OF HEARING

Re: Petition for Variance
W/S Merritt Blvd., 1,112.34' SE of
German Hill Road
Pizza Hut of Maryland, Inc. - Petitioner
Case No. 84-327-A

TIME: 10:00 A.M.

DATE: Monday, May 28, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

cc: Mal Hudkins
200 East Joppa Road
Room 101, Shell Building
Towson, Maryland 21204

Arnold Jablon
Zoning Commissioner
Baltimore County

No. 128242

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

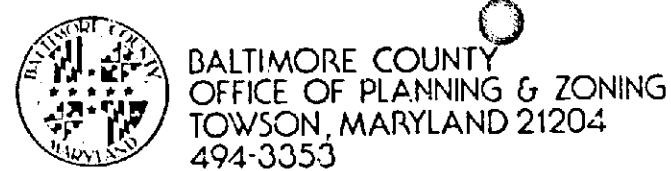
DATE 5/31/84 ACCOUNT R-01-615-000

AMOUNT \$122.00

RECEIVED FROM Pizza Hut of Maryland, Inc.
FOR advertising and posting Case No. 84-327-A

C 033*****1002010 40444

VALIDATION OR SIGNATURE OF CASHIER



ARNOLD JABLON
ZONING COMMISSIONER

June 29, 1984

Pizza Hut of Maryland, Inc.
9170 Md. Route 108
Columbia, Maryland 21045

Re: Petition for Variance
W/S of Merritt Boulevard, 1,112.34' SE
of German Hill Road
Pizza Hut of Maryland, Inc. - Petitioner

Dear Sir or Madam:

Please be advised that an appeal has been filed by Phyllis C. Friedman, People's Counsel for Baltimore County, from the decision rendered by the Zoning Commissioner of Baltimore County, in the above-referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

Arnold Jablon
Arnold Jablon
Zoning Commissioner

AJ:aj

cc: Dave Billingslea
Hudkins Associates, Inc.
200 East Joppa Road
Towson, Maryland 21204

IN RE: PETITION FOR VARIANCE
W/S Merritt Blvd., 1,112.34' SE
of German Hill Rd.
12th Election District

Pizza Hut of Maryland, Inc.

Petitioner

* BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY
* Case No. 84-327-A

* * * * *

Entry of Appearance

Please enter my appearance as a party in the above captioned matter, pursuant to Section 501.6, B.C.Z.R., and I hereby request that any and all notices be forwarded to my office, including but not limited to hearing dates and/or preliminary or final Orders.

Arnold Jablon
Arnold Jablon
Zoning Commissioner of Baltimore County
Room 109 - 111 West Chesapeake Avenue
Towson, Maryland 21204
494-3353

Certificate of Mailing

IT IS HEREBY CERTIFIED that on this 29th day of June, 1984, copies of the foregoing Entry of Appearance were mailed, postage prepaid, by first class delivery to the County Attorney of Baltimore County, People's Counsel for Baltimore County, Petitioner(s) and/or Protestant(s) in the above captioned matter.

Arnold Jablon
Arnold Jablon



Baltimore County, Maryland
PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

November 23, 1984

Judith O. Boggs, President
Greater Dundalk Community Council
1576 Merritt Boulevard
Baltimore, Maryland 21222

RE: Pizza Hut of Maryland, Inc.,
Petitioner - Case No. 84-327-A

Dear Mrs. Boggs:

I returned your telephone call, but have not heard back from you. In reference to the above case, it is not the intention of this office to file an appeal. According to the law, the Court will not reverse the decision of the County Board of Appeals unless the decision is found to be arbitrary and capricious. In other words, the function of the Court is limited, and the Court is not to substitute its judgment for the administrative agency. This means that the chance of success on appeal is remote, and we do not consider it to be appropriate to take the case to another level.

However, any aggrieved citizens with sufficient interest in the case by virtue of residence in the immediate neighborhood may file an appeal. If you wish to pursue the matter, you should consult counsel to make an informed judgment on such a course of action. The deadline for appeal is Monday, December 17, 1984.

If you have any questions, please do not hesitate to call me.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

RECEIVED APPEALS
COUNTY BOARD OF APPEALS
NOV 21 3 54 P
RM 212



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

May 29, 1984

Mr. Dave Billingslea
Hudkins Associates, Inc.
200 East Joppa Road
Towson, Maryland 21204

IN RE: Petition Zoning Variance
W/S of Merritt Boulevard,
1,112.34' SE of German Hill
Road - 12th Election District
Pizza Hut of Maryland, Inc.,
Petitioner
Case No. 84-327-A

Dear Mr. Billingslea:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,
Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:srl

Attachments

cc: People's Counsel



Baltimore County, Maryland
PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

October 17, 1984

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

RE: Pizza Hut of Md., Inc., Petitioner
Zoning Case No. 84-327-A

Dear Chairman Hackett:

Following this morning's hearing, Mrs. Judith Boggs noted that she had overlooked submitting the enclosed photograph, which we ask be added to the Board record as Protestants' Exhibit 6. I trust that Mr. Trimble will not object to the submission of this photograph, to be added to the photographs already spread as exhibits.

This photograph is taken from southbound Merritt Boulevard looking toward the Pizza Hut.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

Enclosure
cc: Ernest C. Trimble, Esquire
Mrs. Judith Boggs
RECEIVED APPEALS
COUNTY BOARD OF APPEALS
OCT 17 2 52 P
RM 212



Baltimore County, Maryland
PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

October 24, 1984

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Rm. 223, Court House
Towson, MD 21204

RE: Pizza Hut of Md., Inc., Petitioner
Case No. 84-327-A (Item 263)

Dear Chairman Hackett:

At the conclusion of the hearing October 17, 1984, the record was to be held open to verify the size of the existing Pizza Hut roof sign.

As you will recall, a sign or logo exists on the north and south sides of the cupola. Review with Douglas Swam of the Zoning Office revealed, according to county records, the following:

1. The part of the roof upon which the sign appears is 6' high and 45' long.
2. As to the sign itself, the capital "P" and capital "H" are 4' high, and the remaining letters of the Pizza Hut logo are 3' high. The word "Pizza" is 12' long and the word "Hut" is 8' long.

It therefore appears that, not counting the space between the word "Pizza" and "Hut", the length is at least 20 square feet and the height is 4', for a total of at least 80 square feet (as a rectangle).

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

cc: Ernest C. Trimble, Esquire
Judith O. Boggs
Douglas A. Swam
RECEIVED APPEALS
COUNTY BOARD OF APPEALS
OCT 24 4 00 P
RM 212



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

November 15, 1984

Phyllis C. Friedman, Esquire
People's Counsel for Baltimore County
Room 223, Courthouse
Towson, MD 21204

Re: Case No. 84-327-A
Pizza Hut of Maryland, Inc.

Dear Ms. Friedman:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith I. Eisenhart
Edith I. Eisenhart, Adm. Secretary

Enclosure

cc: Ernest C. Trimble, Esquire
Pizza Hut of Maryland, Inc.
Dave Billingslea
Judith Boggs
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

September 18, 1984

Peter Max Zimmerman, Esquire
Deputy People's Counsel
Room 223 Courthouse
Towson, MD 21204

Re: Case No. 84-327-A
Pizza Hut of Maryland, Inc.

Dear Mr. Zimmerman:

This case was postponed from September 6th and reset for October 17, 1984 at the request of People's Counsel to allow citizens time to prepare their case over the objections of Petitioner's attorney.

With this circumstance in mind, the Board feels that any further postponement would be unacceptable and, therefore, your request for postponement is hereby denied.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman

WTH:c

cc: Ernest C. Trimble, Esquire
Judith Boggs, President,
Greater Dundalk Community Council

Greater Dundalk Community Council

3411 Cornwall Road
Dundalk, MD 21222
October 18, 1984

Hon. William T. Hackett, Chairman
Baltimore County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

RE: Pizza Hut of Md., Inc., Petitioner
Case No. 84-327-A

Dear Mr. Hackett:

I appreciate your permitting me the opportunity to testify in the above case on behalf of the Greater Dundalk Community Council, and I would like to apologize for not being aware of the Rule 8 requirement.

As you requested, this written authorization is enclosed, signed by myself as President, and attested to by Walter L. Stealey, Vice President, with the verbal consent of our Secretary, Gayle Johnson Adams. (Ms. Adams would not be available to sign the authorization until next week, and in the interest of time she asks that her verbal consent and authorization be represented by Mr. Stealey. If you wish to confirm this, Ms. Adams may be reached at the Francis Scott Key Medical Center, 955-0289.)

Sincerely,

Judith O. Boggs
Judith O. Boggs
President

Enclosure

cc: Ernest C. Trimble, Esq.
cc: Peter Max Zimmerman, Esq.
cc: Gayle Johnson Adams

RECEIVED
COUNTY BOARD OF APPEALS
NOV 01 1984

Greater Dundalk Community Council

3411 Cornwall Road
Dundalk, MD 21222

October 18, 1984

Baltimore County Board of Appeals
Room 200 Court House
Towson, Maryland 21204

BE IT RESOLVED THAT MRS. JUDITH O. BOGGS, WHO RESIDES AT 3411 CORNWALL ROAD, DUNDALK, MARYLAND, WAS DULY ELECTED ON JUNE 14, 1984, TO SERVE AS PRESIDENT OF THE GREATER DUNDALK COMMUNITY COUNCIL FOR A TERM OF ONE YEAR.

THE GEOGRAPHICAL AREA REPRESENTED BY THE GREATER DUNDALK COMMUNITY COUNCIL INCLUDES THE ENTIRE ATAPSCO NECK PENINSULA, IN THE SOUTH-EASTERN AREA OF BALTIMORE COUNTY. THE GREATER DUNDALK COMMUNITY COUNCIL IS AN UMBRELLA ORGANIZATION WITH 17 MEMBER ORGANIZATIONS, WHICH MEMBER ORGANIZATIONS REPRESENT IN EXCESS OF 5,000 INDIVIDUALS.

ON OCTOBER 11, 1984, VOTED TO OPPOSE THE REQUEST BY PIZZA HUT TO ERECT A SIGN ON MERRITT BOULEVARD, AND HEREBY AUTHORIZES JUDITH O. BOGGS TO TESTIFY IN THE COUNCIL'S BEHALF AT THE BOARD OF APPEALS HEARING ON OCTOBER 17, 1984, (ZONING CASE NO. 84-327-A).

RESPECTFULLY,

Judith O. Boggs
JUDITH O. BOGGS, PRESIDENT

Walter L. Stealey
WALTER L. STEALEY, VICE PRESIDENT

Gayle Johnson Adams
GAYLE JOHNSON ADAMS, SECRETARY

I DO SOLEMNLY DECLARE AND AFFIRM THAT THE FOREGOING MATTERS AND FACTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AND THAT I AM COMPETENT TO SO STATE.

Judith O. Boggs
JUDITH O. BOGGS, PRESIDENT

Walter L. Stealey
WALTER L. STEALEY, VICE PRESIDENT

RECEIVED
COUNTY BOARD OF APPEALS
OCT 19 1984

Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

October 10, 1984

Judith O. Boggs, President
Greater Dundalk Community Council
1576 Merritt Blvd.
Baltimore, MD 21222

RE: Pizza Hut of Md., Inc., Petitioner
Zoning Case No. 84-327-A

Dear Ms. Boggs:

Having tried unsuccessfully to reach you by phone, I have been instructed by Mr. Zimmerman to write to request that, if possible, you and your people arrive for a 9:00 a.m. Board of Appeals Hearing on Wednesday, October 17, 1984, rather than the original set time of 10:00 a.m. The reason for this request is that Mr. Zimmerman has a court hearing set for the same day and in order to arrive at that hearing on time, he's requesting the earlier Board of Appeals hearing time.

If you would please call our office at the above number and let us know if you and your people can arrive for a 9:00 a.m. hearing, we would appreciate it very much.

Very truly yours,

Shirley M. Hess
Shirley M. Hess
Legal Assistant

cc: Ernest C. Trimble, Esquire

sh

RECEIVED
COUNTY BOARD OF APPEALS
NOV 01 1984

Baltimore County, Maryland

PEOPLE'S COUNSEL
OLD COURT HOUSE
TOWSON, MARYLAND 21204

PHYLLIS COLE FRIEDMAN
People's Counsel
PETER MAX ZIMMERMAN
Deputy People's Counsel

September 12, 1984

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

RE: Pizza Hut of Md., Inc., Petitioner
Zoning Case No. 84-327-A

Dear Chairman Hackett:

The above case was recently rescheduled to Wednesday, October 17, 1984, at 10 a.m. Unfortunately, I have a trial previously scheduled in Circuit Court to begin that day. I respectfully request that the date be modified, and suggest Wednesday, October 24th as an alternative. I understand that is an open date on the schedule.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

cc: Ernest C. Trimble, Esquire
Judith Boggs, President,
Greater Dundalk Community Council

PMZ:sh

RECEIVED
COUNTY BOARD OF APPEALS
NOV 01 1984

Greater Dundalk Community Council

1576 Merritt Blvd.
Dundalk, MD 21222
August 20, 1984

Mr. William T. Hackett, Chairman
Baltimore County Board of Appeals
Court House - Room 219
Towson, MD 21204

Re: Pizza Hut of Maryland, Inc.
Case No. 84-327-A

Dear Mr. Hackett:

The Greater Dundalk Community Council and various citizens are interested in the above case and intend to appear at the hearing scheduled in this matter. However, I would like to respectfully request a postponement so that various members may arrange their schedules sufficiently in advance, and so that the Community Council may give the matter more serious consideration.

We ask that this matter be re-scheduled to a convenient date not before mid-October. We feel that this postponement would be in the best interest of the community. Since Pizza Hut is currently in operation and appears to be doing substantial business, we do not believe that this postponement will be objectionable to Pizza Hut.

Sincerely,

Judith O. Boggs
Judith O. Boggs
President

cc: Ernest Trimble
200 Lafayette Building
400 W. Chesapeake Avenue
Towson, MD 21204

cc: Peter Zimmerman
People's Counsel
Court House - Room 223
Towson, MD 21204

RECEIVED
COUNTY BOARD OF APPEALS
NOV 01 1984



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
July 19, 1984

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 84-327-A PIZZA HUT OF MARYLAND, INC.
FOR VARIANCE - SIGNS
W/S OF MERRITT BLVD. 1,112.34'
SE OF GERMAN HILL ROAD
12th DISTRICT
5/29/84 - Z.C. GRANTED PETITION
THURSDAY, SEPTEMBER 6, 1984 at 10 a.m.

ASSIGNED FOR:

cc: Ernest C. Trimble, Esquire	Counsel for Petitioner
Pizza Hut of Maryland, Inc.	Petitioner
Dave Billingslea	Engineer
Hudkins Associates, Inc.	
Phyllis Cole Friedman	People's Counsel
Norman E. Gerber	
James G. Hoswell	
Arnold Jablon	
Jean M. H. Jung	
James E. Dyer	

Edith T. Eisenhart, Adm. Secretary

7/19/84 - Notified of appeal hearing scheduled for THURSDAY, SEPTEMBER 6, 1984 at 10 a.m.

Ernest C. Trimble, Esq.
Pizza Hut of Md., Inc.
Dave Billingslea
People's Counsel

8/28/84 - Above notified of hearing set for Wed. Oct. 17, 1984, at 10 a.m.



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

August 23, 1984

NOTICE OF POSTPONEMENT

CASE NO. 84-327-A PIZZA HUT OF MARYLAND, INC.
W/S OF MERRITT BLVD. 1,112.34'
SE OF GERMAN HILL ROAD
12th DISTRICT

Scheduled for hearing on Thursday, September 6, 1984 at 10 a.m. has been POSTPONED at the request of the Greater Dundalk Community Council and will be rescheduled at a later date.

cc: Ernest C. Trimble, Esquire	Counsel for Petitioner
Pizza Hut of Maryland, Inc.	Petitioner
Dave Billingslea	Engineer
Hudkins Associates, Inc.	
Judith O. Boggs, President	Greater Dundalk Community Council
Phyllis Cole Friedman	
Norman E. Gerber	
James G. Hoswell	
Arnold Jablon	
Jean M. H. Jung	
James E. Dyer	

Edith T. Eisenhart, Adm. Secretary



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

August 23, 1984

Judith O. Boggs, President
Greater Dundalk Community Council
1576 Merritt Boulevard
Dundalk, MD 21222

RE: Case No. 84-327-A
Pizza Hut of Maryland, Inc.

Dear Ms. Boggs:

The Board will grant your request for postponement and will reschedule the case as soon as possible in October.

The Board is aware that this is the first request in this case for a postponement. The Board is also aware that the business is in operation and that this request before us concerns an advertising sign and, therefore, the postponement will not cause any secession of the existing business. Only in the most extreme circumstances will any further postponement be granted.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman

WTH:re

cc: Ernest Trimble, Esquire
Peter M. Zimmerman, Esquire

84-327-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
23rd day of April, 1984.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner Pizza Hut of Md., Inc.
Petitioner's
Attorney

Received by *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 12 Date of Posting 7/5/84
Posted for: Board of Appeals
Petitioner: Pizza Hut of Md.
Location of property: W/S Merritt Blvd., 1112.34' SE of German Hill Rd.
Location of Signs: at entrance to property facing Merritt Blvd.
Remarks:
Posted by Alan J. Gorman Date of return: 7/10/84
Signature
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 10, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~on one time~~ before the 28th day of May, 1984, the first publication appearing on the 10th day of May, 1984.

L. Frank Smith
THE JEFFERSONIAN
Manager.

Cost of Advertisement, \$ 18.00

PETITION FOR VARIANCE
12th Election District
ZONING: Petition for Variance
LOCATION: West side Merritt Boulevard, 1112.34' SE of German Hill Road
DATE & TIME: Monday, May 28, 1984 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for variance to allow a business signs with a total square footage of 179 sq. ft. in lieu of the permitted 100 sq. ft. Being the property of Pizza Hut of Maryland, Inc., as shown on plat plan filed with the Zoning Department.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order of:
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
May 10, 1984

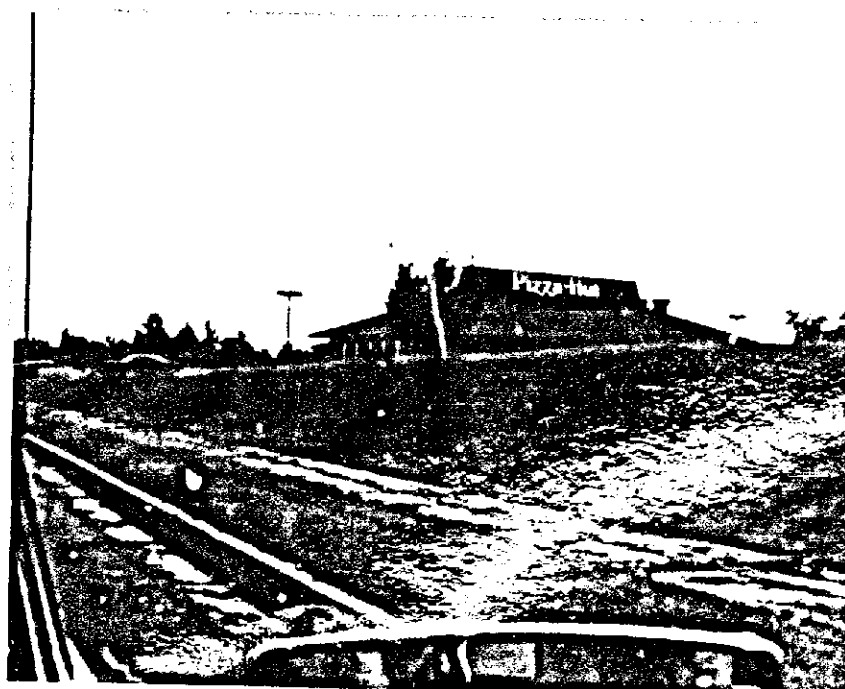
PETITION FOR VARIANCE
12th Election District
ZONING: Petition for Variance
LOCATION: West side Merritt Boulevard, 1112.34' SE of German Hill Road
DATE & TIME: Monday, May 28, 1984 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for variance to allow 3 business signs with a total square footage of 179 sq. ft. in lieu of the permitted 100 sq. ft. Being the property of Pizza Hut of Maryland, Inc., as shown on plat plan filed with the Zoning Department.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

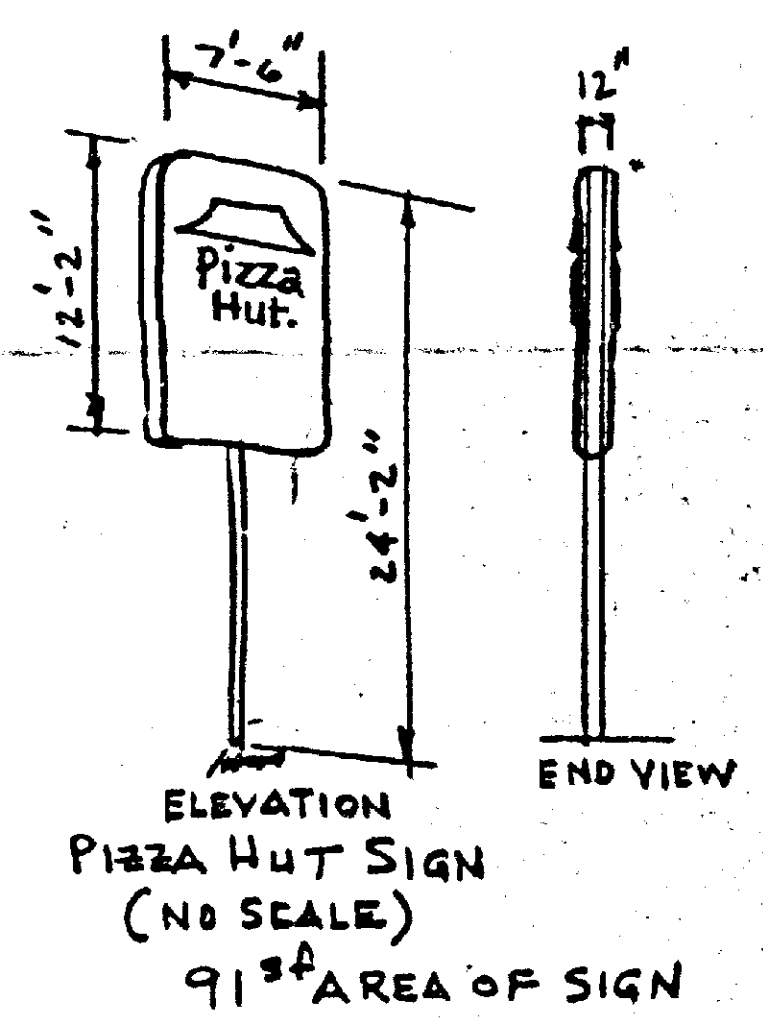
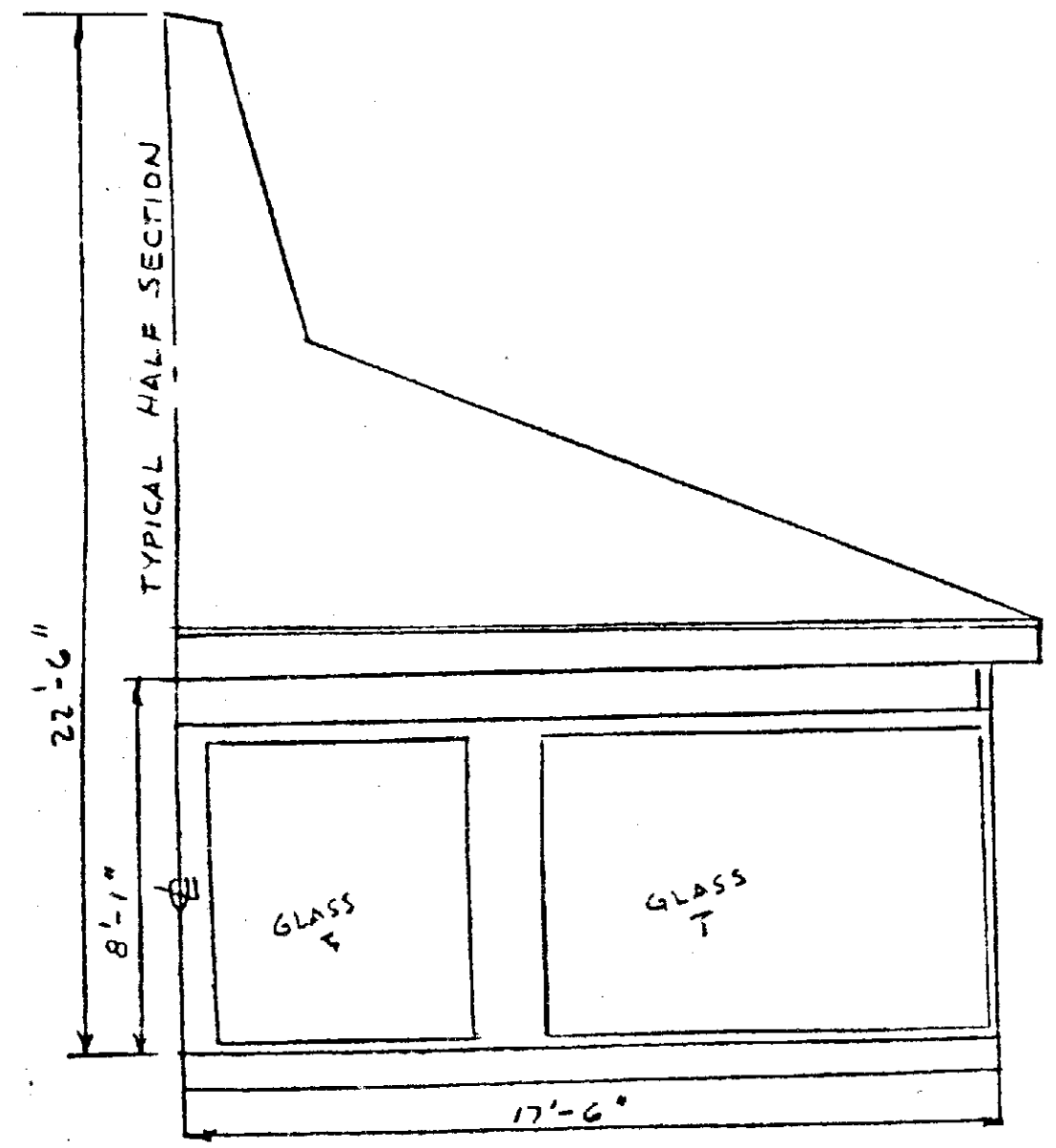
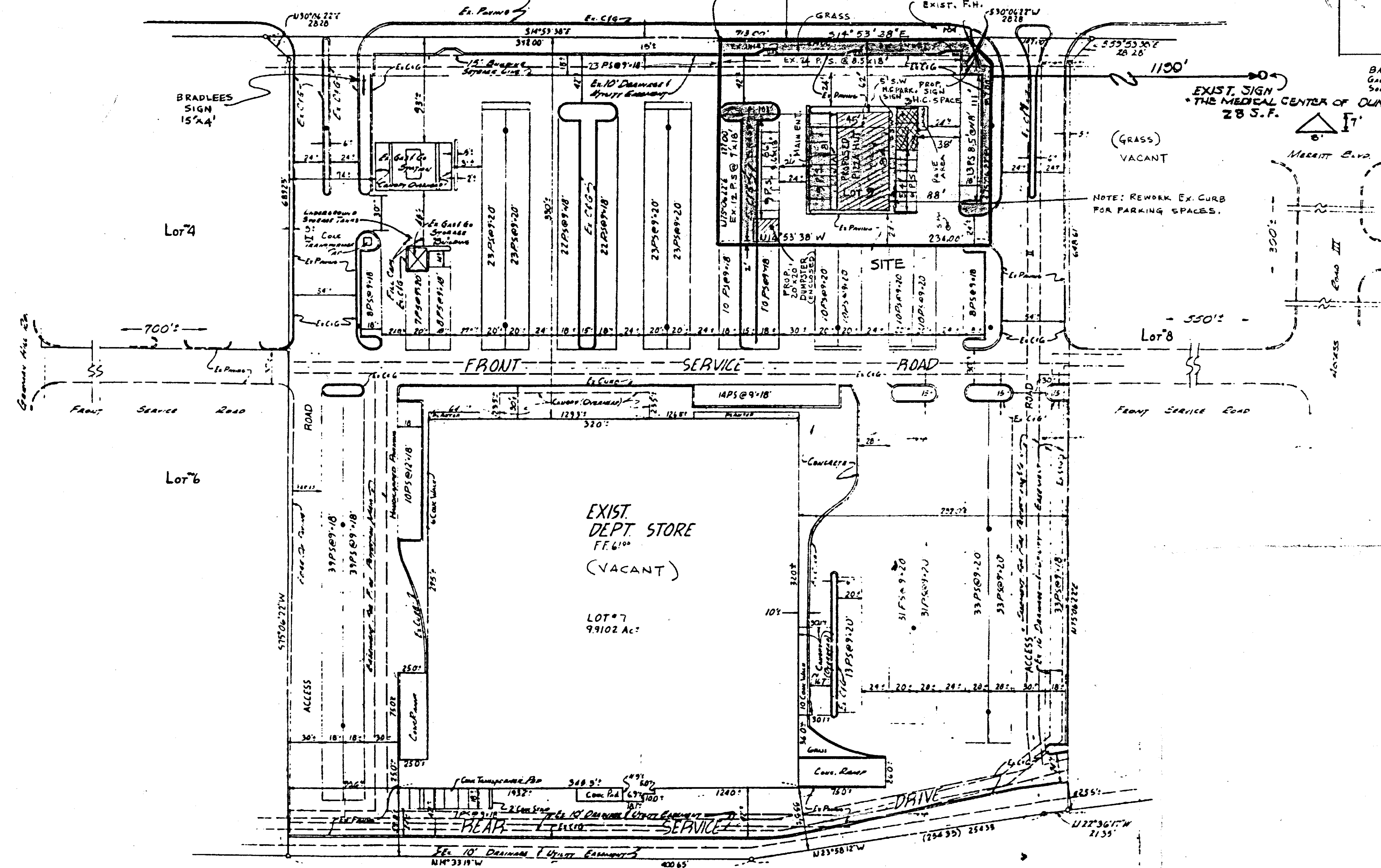
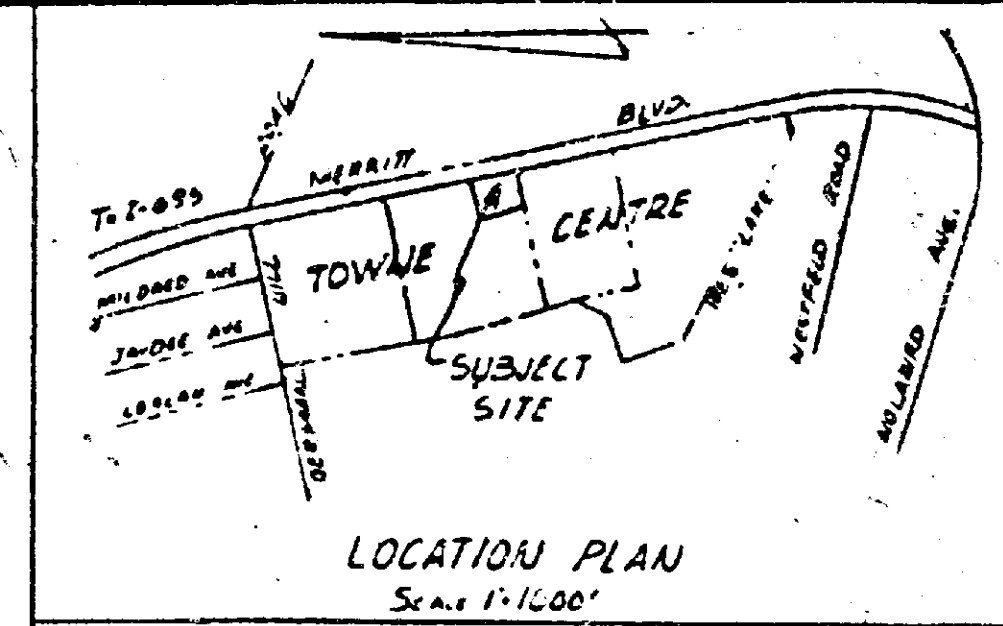
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 130558
DATE 6/20/84 ACCOUNT R-01-615-000
AMOUNT \$80.00
RECEIVED FROM: People's Counsel
FOR: Appeal fee on Case #84-327-A
(Pizza Hut of Maryland, Inc.)
C 013*****00000 3224A
VALIDATION OR SIGNATURE OF CASHIER

#84-327-A
Pizza Hut
12th District
W/S Merritt Blvd., 1112.34' SE German Hill Rd.
1 SIGN

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 12 Date of Posting 5/17/84
Posted for: Petition for Variance
Petitioner: Pizza Hut of Md., Inc.
Location of property: W/S Merritt Blvd., 1112.34' SE of German Hill Rd.
Location of Signs: facing Merritt Blvd. at entrance to property
Remarks:
Posted by Alan J. Gorman Date of return: 5/17/84
Signature
Number of Signs: 1





- GENERAL NOTES:**
1. THE EXISTING UTILITIES AND OBSTRUCTION SHOWN ARE FOR THE CONVENIENCE OF THE CONTRACTOR AND SHALL BE VERIFIED BY HIM BEFORE CONSTRUCTION. NECESSARY PRECAUTIONS SHALL BE TAKEN BY THE CONTRACTOR TO PROTECT EX. SERVICES, AND ANY DAMAGE TO THEM SHALL BE REPAIRED IMMEDIATELY AT HIS OWN EXPENSE.
 2. BUILDING PERMIT MUST BE OBTAINED PRIOR TO CONSTRUCTION.
 3. THE CONTRACTOR SHALL NOTIFY THE BALTIMORE GAS & ELECTRIC CO. FIVE (5) DAYS BEFORE STARTING WORK.
 4. PROPOSED PAVING TO MEET EXISTING SECTION OR BETTER, TO BE DETERMINED BY DEVELOPER.

- LEGEND:**
1. EX. GRASS AREA SHOWN THUS [diagonal lines]
 2. PROPOSED BUILDING CONSTRUCT SHOWN THUS [hatched pattern]
 3. HANDICAP PARKING SPACE SHOWN THUS [X's]
 4. HANDICAP NO PARKING SIGN ATTACHED TO BLDG.

SITE ANALYSIS
 AREA OF PARCEL = 41,382 S.F.
 AREA OF EX. PAVING = 28,191 S.F.
 AREA UNDISTURBED = 6,444 S.F.
 AREA OF PRE-GRADED PAD = 6,525 S.F. (AREA FOR PROP. BUILDING)
 (PARKING)
 NOTES:
 1. TOTAL AREA LOT 9 = 0.95 AC.
 2. EXIST. ZONING: B.M.-CCC
 3. OFF-STREET PARKING REQ'D 3780 S.F./50 = 76 SPACES
 4. TOTAL PROVIDED = 73 PARK SPACES 3 HANDICAPPED = 76

EXISTING MEDICAL CENTER SIGN AREA EQUAL TO 28 SQUARE FEET
 NOTE: EXISTING BRADLEES SIGN AREA EQUAL TO 60 SQUARE FEET. OTHER EXISTING SIGNS ATTACHED TO ROOFS OF BLDGS, I.E. WENDY'S, DENNY'S, GAS STATION SIGNS ALSO EXIST (2) TWO EXXON AND A FILLER-UP GAS SIGN.
 PROPOSED PIZZA HUT SIGN AREA = 91 SQ. FT. WE ARE REQUESTING VARIANCE FROM TOTAL OF 100 S.F. REQUIREMENT SECTION 413.2 F ZONING REGULATIONS.

PLAT TO ACCOMPANY VARIANCE FOR SIGN SECTION 413.2 F

PIZZA HUT
 ELEV. 42/129
 LOT 9 OF PARCEL "A"
 TOWNE CENTRE
 BALTO CO. MD. ELECT. DIST. 12
 SCALE 1"=50'
 FEB. 24, 1984
 REV 4-23-84

Developer: PIZZA HUT INC.
 100 ROUTE 108
 COLUMBIA, MD. 21045

Revised Plan #263
 4/23/84
 P.C. Exhibit #1

